

COOLEY LLP  
BENEDICT Y. HUR (224018)  
(bhur@cooley.com)  
SIMONA AGNOLUCCI (246943)  
(sagnolucci@cooley.com)  
EDUARDO E. SANTACANA (281668)  
(esantacana@cooley.com)  
ARGEMIRA FLÓREZ (331153)  
(aflorez@cooley.com)  
HARRIS MATEEN (335593)  
(hmateen@cooley.com)  
ISABELLA MCKINLEY CORBO (346226)  
(icorbo@cooley.com)  
3 Embarcadero Center, 20th Floor  
San Francisco, California 94111-4004  
Telephone: +1 415 693 2000  
Facsimile: +1 415 693 2222

Attorneys for Defendant  
Google LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, et al. individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 3:20-CV-04688-RS

**GOOGLE LLC'S STATEMENT IN SUPPORT  
OF PLAINTIFFS' ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIAL SHOULD BE  
SEALED**

Date: July 30, 2025  
Time: 9:30 a.m.  
Courtroom: 3, 17th Fl.  
Judge: Hon. Richard Seeborg

Trial Date: August 18, 2025  
Action Filed: July 14, 2020

1 **I. INTRODUCTION**

2 Pursuant to Civil Local Rule 79-5(e), Defendant Google LLC (“Google”) submits this  
 3 statement in support of sealing portions of Plaintiffs’ Opposition to Google’s Motions in Limine  
 4 Nos. 1–12 (“Opposition”), including certain accompanying exhibits. Because these motions  
 5 concern the admissibility of trial evidence, they are “more than tangentially related to the merits of  
 6 [the] case.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1099 (9th Cir. 2016). The  
 7 Ninth Circuit’s “compelling reasons” standard thus applies. *Id.* at 1101. Under that standard,  
 8 Google must present specific, compelling reasons for sealing that outweigh the public’s right of  
 9 access. *Id.*; *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

10 Google’s requests are narrowly tailored to cover only categories of information that courts  
 11 routinely seal: (1) confidential internal project codenames; (2) competitively sensitive research data  
 12 and internal metrics; (3) non-public technical details concerning internal systems; and (4) non-  
 13 public employee information (such as employee identifiers). As detailed below and in the  
 14 accompanying Declaration of Eduardo E. Santacana (“Santacana Decl.”), public disclosure of this  
 15 information would cause significant competitive harm, create security vulnerabilities, or invade  
 16 legitimate privacy interests. By contrast, the public’s interest in these specific details is minimal—  
 17 especially since Plaintiffs’ arguments either do not depend on this information or reference it only  
 18 tangentially.

19 Google therefore respectfully asks the Court to grant the requested sealing relief.

20 **II. LEGAL STANDARD**

21 Courts recognize a general common-law right of public access to judicial  
 22 records. *Kamakana*, 447 F.3d at 1178. But this right is not absolute. For records that are more than  
 23 tangentially related to the merits of a case, the party seeking to seal them must demonstrate  
 24 “compelling reasons” for sealing that outweigh the public interest in disclosure, supported by  
 25 specific factual findings. *Ctr. for Auto Safety*, 809 F.3d at 1097–99.

26 Compelling reasons include the need to protect trade secrets or other “sources of business  
 27 information that might harm a litigant’s competitive standing.” *Nixon v. Warner Commc’ns, Inc.*,  
 28 435 U.S. 589, 598 (1978). Courts have found that this encompasses confidential internal analyses,

product development plans, user research, and technical operational details. *See, e.g., Apple Inc. v. Samsung Elecs. Co.*, 727 F.3d 1214, 1228 (Fed. Cir. 2013). Likewise, compelling reasons may justify sealing records to safeguard privacy interests—such as personal information of third-party employees. *See, e.g., E. & J. Gallo Winery v. Instituut Voor Landbouw-En Visserijonderzoek*, 2018 WL 4961606, at \*2 (E.D. Cal. Oct. 12, 2018). In all instances, any request to seal must be “narrowly tailored” to cover only the information that warrants protection. Civ. L.R. 79-5(c)(3).

### III. DISCUSSION

#### A. Confidential Internal Project Names and Codenames

Courts have recognized that internal project names and codenames merit sealing to prevent disclosure of confidential operational details and to avoid security risks. *See Apple Inc. v. Samsung Elecs. Co.*, 2012 WL 4120541, at \*2 (N.D. Cal. Sept. 18, 2012) (sealing “internal code names”); *Bohannon v. Facebook, Inc.*, 2019 WL 188671, at \*7 (N.D. Cal. Jan. 14, 2019) (sealing internal task names). Publicly revealing such codenames can expose the focus of non-public projects (causing competitive harm) and even help malicious actors target Google’s systems. Publicly revealing such codenames can expose the focus of non-public projects (causing competitive harm) and even help malicious actors target Google’s systems. Google narrowly tailors its request by redacting only the codenames themselves while leaving all surrounding context visible. Indeed, this Court has previously permitted such limited redactions in this case. *See Order*, ECF 284.

Google seeks to seal or redact the specific references to internal project names in the following Oppositions and exhibits (Santacana Decl. ¶ 5):

**Opposition to MIL No. 4 (page 4):** Contains a sentence describing an internal project codename and a confidential workstream. Google proposes to redact that sentence in its entirety. On pages 7–8 of the Opposition, Google also seeks to redact references to “Lo” and “Syl\*\*\*,” which are codenames for internal research projects.

**Opposition to MIL No. 5 (pages 3–5):** Contains references to the internal project codename “Pr\*\*\*Na\*\*\*.” Google seeks to redact this codename. It is a confidential project name not known outside Google, and the Court has previously sealed this same name in prior filings

1 **Exhibit 9:** Page 112 includes the codename “Lo\*\*\*” (the same internal codename  
2 referenced in the Opposition).

3 **Exhibit 14:** Page 1 includes the codename “Ech\*\*\*,” which the Court has previously  
4 ordered sealed.

5 **Exhibit 16:** Multiple pages (bates nos. -974, -980, -981, -983, -031) contain internal  
6 codenames such as “Tr\*\*\*,” “PrNa,” “No\*\*\*,” “Sy\*\*\*,” “Lo\*\*\*,” “PC10,” and “Bra\*\*\*.”

7 **Exhibit 17:** Pages 311–312 contain several internal Google codenames (“Lo\*\*\*,”  
8 “Sy\*\*\*”) as well as a non-public vendor name.

9 **Exhibit 20:** A deposition transcript (Ex. 20) at lines 121:9, 121:12, 121:18, and 122:5  
10 contains the codename “Pr\*\*\*Na\*\*\*” The Court has already sealed this codename in an earlier  
11 proceeding (see ECF 284).

12 These proposed redactions are minimal, obscuring only the codenames themselves and  
13 preserving all surrounding text so that Plaintiffs’ arguments and context remain available to the  
14 public. Sealing this information will protect Google’s competitive and security interests without  
15 hindering the public’s understanding of the case—particularly since Plaintiffs do not rely on the  
16 actual project names in making their arguments. Santacana Decl. ¶¶ 6–7.

### 17 **B. Competitively Sensitive Research Data and Internal Metrics**

18 A company’s sensitive research data, internal metrics, and strategic plans fall squarely  
19 within the type of information that merits sealing to protect competitive standing. If such  
20 information were made public, competitors could exploit it to their advantage “and circumvent the  
21 time and resources necessary in developing their own practices and strategies.” *Algarin v.*  
22 *Maybelline, LLC*, 2014 WL 690410, at \*3 (S.D. Cal. Feb. 21, 2014); see also *Apple Inc. v. Samsung*  
23 *Elecs. Co.*, 727 F.3d 1214, 1228 (Fed. Cir. 2013) (recognizing sealing of sensitive sales and cost  
24 data to prevent competitive harm). In other words, disclosure of internal research and analytical  
25 data would permit competitors to replicate Google’s business practices without making similar  
26 investments.

27 In this case, the Opposition and its exhibits include Google’s confidential market research,  
28 user studies, and performance metrics. Each of the following items contains proprietary data or

analysis that Google closely guards:

**Opposition to MIL No. 4:** Page 7 of the Opposition references the specific number of participants in a confidential Google user study. Google seeks to redact only one sentence containing that exact number of participants to protect the confidentiality of its research scope.

**Exhibit 15:** Exhibit 15 is an internal Google slide deck detailing a user research program. It contains sensitive information throughout, including internal project codenames, Google employee identities, the number of studies and participants, research questions, detailed results and findings, and even quotes and photographs of non-party study participants. Because this proprietary information permeates the entire document, Google seeks to seal Exhibit 15 in full. Notably, Plaintiffs cite Exhibit 15 only in a passing string cite and do not quote or discuss any of these specific details. The competitive harm from releasing Google's internal research "playbook" far outweighs any public interest in this exhibit.

**Exhibit 16:** Exhibit 16 is a related internal slide deck summarizing Google's user research efforts. Portions of this document were previously sealed by the Court. Google now seeks to redact the newly-filed portions that reveal the scope and scale of Google's research programs, internal project timelines, and specific research insights. Disclosing these parts of Exhibit 16 would give competitors an inside look at Google's R&D strategies. Plaintiffs reference this exhibit only as one example among many (in a "see, e.g." citation) and do not quote its sensitive content. The targeted redactions thus will protect Google's competitive interests without impeding the substance of Plaintiffs' arguments.

**Exhibit 19:** Exhibit 19 is a confidential internal memorandum (marked "Confidential - Need to Know") providing a comprehensive overview of a forward-looking privacy initiative at Google. It includes Google's strategic plans derived from user research and regulatory analysis. The entire document is highly sensitive. Google seeks to seal Exhibit 19 in its entirety. Plaintiffs quote only a single, high-level sentence from this document in their Opposition (and Google is not seeking to seal that general sentence). Revealing the remainder of this internal strategy paper would cause significant competitive harm, and given Plaintiffs' purely tangential use of it, the public would gain little to no useful information from its disclosure.

Each of these documents reflects the kind of competitively sensitive insight that the courts in *Apple* and *Algarin* recognized as appropriate for sealing. Google has narrowly tailored its requests in this category. Where possible, Google proposes redacting only the specific confidential data points (for example, the participant number on page 7 of the Opposition, or selected pages from Exhibit 16). Where the sensitive information cannot be segregated from the document as a whole (e.g., Exhibits 15 and 19), Google seeks to seal the entire document.

In all instances, the public's interest in Google's confidential research details is minimal, especially since Plaintiffs do not rely on those specific details to support their claims. Accordingly, compelling reasons exist to protect this information (Santacana Decl. ¶ 9), and Google's request is limited to only what is necessary to prevent competitive harm.

### C. Non-Public Technical Details Concerning Internal Systems

Courts routinely seal confidential technical information about a company's internal systems, recognizing that disclosure can harm competitive standing and create security risks. *See Finjan, Inc. v. Proofpoint, Inc.*, 2016 WL 7911651, at \*2 (N.D. Cal. Apr. 6, 2016) (finding that the "technical operation" of a company's products met the compelling standard for sealing); *In re Google Inc. Gmail Litig.*, 2013 WL 5366963, at \*3 (N.D. Cal. Sept. 25, 2013) (sealing descriptions of proprietary email-system functions). The materials in this category contain precisely such sensitive technical details. Santacana Decl. ¶ 11.

- **Exhibit 6:** Exhibit 6 is an internal Google email thread. One paragraph of this email discusses a specific technical interaction between Google's Web & App Activity (WAA) system and Gmail, including references to internal data stores and access protocols. Google seeks to redact that single paragraph. The information at issue is highly technical and proprietary, and it is not relevant to the claims in this case. Its public disclosure would risk exposing Google's systems to security threats while yielding no benefit to the public understanding of the issues before the Court.

- **Exhibit 11:** Exhibit 11 is an excerpt (four pages) from the deposition of Google employee David Monsees. In this excerpt, the witness describes sensitive engineering details about how Google logs and manages user-control settings at the device and account level. Plaintiffs quoted

only a few general, non-sensitive lines from this testimony in their Opposition, and Google does not seek to seal those lines. However, the full context on these pages reveals Google's internal data-logging architecture and technical implementation. Redacting isolated portions would be impractical and likely ineffective, as the technical information is interwoven throughout. Google therefore requests to seal Exhibit 11 in its entirety as the narrowest means to protect the confidential design details.

These technical specifics are exactly the type of information that, if revealed, could be misused by competitors or malicious actors. *Finjan*, 2016 WL 7911651, at \*2. Google's request is confined to the discrete technical material that needs protection and does not extend to any aspects of the filings that are pertinent to the public's understanding of the case. Thus, compelling reasons support sealing the limited technical information identified in Exhibit 6 and Exhibit 11. Santacana Decl. ¶¶ 12-13.

#### **D. Non-Public Employee Information**

Finally, Google seeks to protect the personal contact information of its employees who are not parties to this case. In particular, Google proposes to redact the unique username portion of each such employee's internal email address (while leaving the employee's name and the "@google.com" domain visible). This minimal redaction prevents the public disclosure of full email addresses, thereby shielding those individuals from potential harassment, phishing, or spam. Implementing this privacy measure still allows the employees to be identified by name in the record and does not obscure any substantive information. Courts routinely approve such limited redactions to safeguard non-parties' privacy. *See, e.g., E. & J. Gallo Winery*, 2018 WL 4961606, at \*2 (recognizing that privacy interests can warrant sealing of personal identifying information). Google seeks this relief for the documents containing internal email addresses, specifically Exhibits 6, 10, 12, 13, 14, 15, 16, and 17. Santacana Decl. ¶ 14. Redacting the username portions of these email addresses is narrowly tailored to protect legitimate privacy interests without impairing the public's ability to understand the context of the evidence. Santacana Decl. ¶ 15.

#### **IV. CONCLUSION**

For the foregoing reasons, Google respectfully requests that the Court grant the sealing and

1 redaction requests set forth above (as detailed in this statement, the Santacana Declaration, and in  
2 the accompanying proposed order). Each request is supported by compelling reasons and is  
3 narrowly tailored to protect only the information that must remain confidential.

4 Dated: June 17, 2025

COOLEY LLP

6 By: /s/ Eduardo E. Santacana

Eduardo E. Santacana

Benedict Y. Hur

8 Simona Agnolucci

Argemira Flórez

Harris Mateen

Isabella McKinley Corbo

10 Attorneys for Defendant

Google LLC